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website to the remote location;

a cursor adapted to select at least one of the options
thereby providing a selected option of the set of options;

an applet within the remote processor adapted to upload an
identifier of an application program associated with the selected
option from the remote location to the server; and

the applications program within the server adapted to
execute the uploaded selected option.

R E M A R K S

1. Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the discussion that follows. Claims 25-48 are pending in this Application. Claim 45 has been rejected under 35 U.S.C. §101. Claims 45-48 have been rejected under 35 U.S.C. §112, first paragraph. Claims 45-48 have been rejected under 35 U.S.C. §112, second paragraph. Claims 25-44 and 46-48 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,680,305 to Apgar, IV in view of U.S. Patent No. 5,584,025 to Keithley and U.S. Patent No. 6,049,781 to Forrest et al. After a careful review of the claims (as amended), it has been concluded that the rejections are in error and the rejections are therefore traversed.

2. Claim 45 have been rejected under 35 U.S.C. §101. In response, claim 45 has been amended to more clearly claim the invention.

3. Claims 45-48 have been rejected under 35 U.S.C. §112, first paragraph. In particular, the Examiner asserts that "The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with claims 45-48. Claims 45-48 are too broad in scope" (Office Action of 11/26/01, paragraph bridging pages 4-5).

It is noted in this regard that the Examiner's speculation about what a person of skill in the art would understand from the specification does not provide a sufficient basis for rejection under 35 U.S.C. §112. More specifically, "a specification disclosure which contains a teaching of the manner and process of making and using the invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as in compliance with the enabling requirements of the first paragraph of §112 unless there is reason to doubt the objective truth of the statements contained therein which must be relied upon for enabling support". In re Marzocchi & Horton, 169 USPQ 367 (CCPA 1971). The specification clearly teaches the manner and process

of making and using the invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented. Further, the Examiner has failed to provide any teaching which provides a basis for doubting the objective truth of any statement within the specification.

In addition, "Applicant may use functional language, alternative expressions, negative limitations, or any style expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought . . . a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought." MPEP §2173.01.

Since the Examiner has failed to establish any basis for doubting the objective truth of the specification, it is believed that the rejection is in error. Since the rejection is in error, the rejection should be withdrawn.

4. Claims 45-48 have been rejected under 35 U.S.C. §112, second paragraph. In response, claim 45 has been amended to clarify the claimed invention.

5. Claims 25-44 and 46-48 have been rejected as being obvious over Apgar, IV in view of Keithley and Forrest et al. In response, the claims have been amended to recite method steps

of (and apparatus for) "downloading a webpage" and "embedding a subroutine within the webpage activated by selection of the option that composes a message identifying a computer program within the server associated with the selected option". Support for the additional claim limitations may be found, *inter alia*, at page 6, lines 20-28 and at page 7, lines 11-16.

Since none of the cited combination of Apgar, IV in view of Keithley or Forrest et al. teach or suggest of the use of websites or webpages, the combination now fails to teach or suggest each and every claim limitation, as required by MPEP §2143.03. Since the combination of Apgar, IV, Keithley and Forrest et al. fail to teach each and every claim limitation, the rejections are now believed to be improper and should be withdrawn.

Since the claims as originally submitted included the claim limitation of "accessing a server through a website" and since websites necessarily download webpages, the additional claim limitations do not change the scope of the claims. Since the scope of the claims has not been changed, a new search is not necessitated by the amendments.

6. Allowance of claims 25-48, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference

would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

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Marked-Up Claims

25. (Once Amended) A method of managing a real estate unit from a remote location, such method comprising the steps of:

accessing a server from a remote location through a website of the server;

downloading a webpage containing a set of options regarding the managing of [day-to-day operations directly related to use by an occupant of] the real estate unit from the website to the remote location;

selecting at least one of the options;

embedding a subroutine within the webpage activated by selection of the option that composes a message identifying a computer program within the server associated with the selected option;

uploading the composed message associated with the selected option from the remote location to the server; and

executing the [uploaded] computer program associated with the selected option [by] within the server.

35. (Once Amended) Apparatus for managing a real estate unit from a remote location, such apparatus comprising:

means for accessing a server from a remote location through a website of the server;

means for downloading a webpage containing a set of options regarding the managing of [day-to-day operations directly related to use by an occupant of] the real estate unit from the website to the remote location;

means for selecting at least one of the options;

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a subroutine activated by the means for selecting that composes a message identifying a computer program within the server associated with the selected option;

means for uploading the composed message associated with the selected option from the remote location to the server; and

means for executing the [uploaded] identified computer programs associated with the selected option by the server.

45. (Once Amended) Apparatus for managing a real estate unit from a remote location, such apparatus comprising:

a remote processor adapted to access a server from a remote location through a website of the server;

a website adapted to download a webpage containing a set of options regarding the managing of [day-to-day operations directly related to use by an occupant of] the real estate unit from the website to the remote location;

a cursor adapted to select at least one of the options thereby providing a selected option of the set of options;

an applet within the remote processor adapted to upload an identifier of an application program associated with the selected option from the remote location to the server; and

[an] the applications program within the server adapted to execute the uploaded selected option [by the server].